



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,898	11/20/2000	Tania Barthel	GR 99 P 1459	8146

7590 10/08/2003

Lerner and Greenberg PA
P O Box 2480
Hollywood, FL 33022-2480

EXAMINER

KNOWLIN, THJUAN P

ART UNIT	PAPER NUMBER
----------	--------------

2642

DATE MAILED: 10/08/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/716,898

Applicant(s)

BARTHEL ET AL.

Examiner

Thjuan P Knowlin

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-6 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Redd, Jr. et al (US 5,467,388).
2. In regards to claims 1, 11, and 12, Redd, Jr. discloses a method for implementing telecommunication services in a telecommunication network (Fig. 2), which comprises the steps of: initiating a telecommunication service due to an event which differs from a connection setting-up request from a subscriber (col. 5-6 lines 63-2 and col. 13 lines 29-64); generating a virtual telephone number via the telecommunication service after activating the telecommunication service; signaling the virtual telephone number to a service provider, the service provider in turn indicating an occurrence of the event (col. 5 lines 63-65, col. 11-12 lines 52-1, col. 12 lines 21-41 and col. 16 lines 62-67); using a switching point (elements 11, 13, 15, and 17) to transmit the virtual telephone number from the service provider to initiate the telecommunication service after the occurrence of the event; and carrying out actions defined for the telecommunication service (col. 9 lines 21-42, col. 11 lines 35-48, and col. 13 lines 7-11).

3. In regards to claim 2, Redd, Jr. discloses the method, wherein the subscriber activates the telecommunication service so that the telecommunication service receives and processes the event that will initiate it (col. 12 lines 21-41 and lines 52-65).

4. In regards to claim 3, Redd, Jr. discloses the method, which comprises entering additional information during the activation of the telecommunication service, and the additional information is taken into account during an initiation of the telecommunication service (col. 12 lines 21-33).

5. In regards to claim 4, Redd, Jr. discloses the method, wherein the additional information contains telecommunications data relating to the subscriber, and leads to a transmission of further information to the subscriber during the subsequent actions by the telecommunication service (col. 12 lines 43-48).

6. In regards to claim 5, Redd, Jr. discloses the method, which comprises setting up at least one communication link by the telecommunication service once the telecommunication service has been initiated (col. 13 lines 7-9).

7. In regards to claim 6, Redd, Jr. discloses the method, wherein once the telecommunication service has been initiated at least one telecommunication subscriber receives a notification from a data service via the telecommunication service (col. 13 lines 7-11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2642

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Redd, Jr. et al (US 5,467,388).

9. Redd, Jr. discloses all of claims 9 and 10 limitations except the method, which comprises activating the telecommunication service simultaneously by more than one telecommunications subscriber. Redd, Jr., however, does disclose the method, which comprises activating the telecommunication service by one telecommunications subscriber (col. 5 lines 63-65). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ the method of activating the telecommunications service simultaneously by more than one telecommunications subscriber as a way of making the services/features available to anyone who wishes to do so or have the authorization to do so.

Response to Arguments

10. Applicant's arguments filed July 11, 2003 (July 09,2003) have been fully considered but they are not persuasive. Applicants state that Redd does not teach initiating a telecommunication service due to an event, which differs from a connection setting-up request from a subscriber. The "connection" is basically a normal telephone call to a normal telephone number. Applicants further state that Redd does not teach generating a virtual telephone number via the telecommunication service after activating the telecommunication service. Although the virtual number in Redd exists prior (is



stored) to the activation of the service, it can still be "generated" (dialed), as in the present invention, once the service is activated. Therefore, it does not matter whether or not if the virtual number, in Redd, exists prior to service activation, because it will be generated (dialed) after the service activation. Applicants state that Redd does not teach signaling the virtual telephone number to a service provider; the service provider in turn indicating an occurrence of the event. Examiner respectfully disagrees with this argument. Redd does teach these features (col. 5 lines 63-65, col. 11-12 lines 52-1, col. 12 lines 21-41, and col. 16 lines 62-67). Applicants further state that Redd does not teach using a switching point to transmit the virtual telephone number from the service provider to initiate the telecommunication service after the occurrence of the event. Examiner respectfully disagrees with this argument. Redd does teach using a switching point (SSPs 11, 13, 15, and 17) to transmit the virtual telephone number from the service provider to initiate the telecommunication service after the occurrence of the event (col. 9 lines 21-42, col. 11 lines 35-48, and col. 13 lines 7-11).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dulman (US 5,915,008) teach a system and method for changing advanced intelligent network services from customer premises equipment. White et al (US 5,933,490) teach overload protection for on-demand access to the Internet that redirects calls from overloaded Internet service provider (ISP) to alternate Internet access provider.

12. This is a RCE of applicant's earlier Application No. 09/716,898. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

13. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703) 308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Application/Control Number: 09/716,898
Art Unit: 2642

Page 7

16. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Thjuan P. Knowlin
September 25, 2003



AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600